

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ESPERANZA DIAZ DEL CASTILLO,

Plaintiff,

V.

WASHINGTON STATE DEPARTMENT
OF SOCIAL AND HEALTH SERVICES,
et al.,

Defendants.

CASE NO. C05-1122JLR

MINUTE ORDER

The following minute order is made by the direction of the court, the Honorable James L. Robart:

The court is in receipt of Ms. Del Castillo’s “Motion for a New Schedule and Clarification of Issues Addressed in Two Pieces of Mail” (Dkt. # 55). The court GRANTS in part and DENIES in part Ms. Del Castillo’s motion.

Ms. Del Castillo represents that she did not receive notification by mail of the court's orders of January 4, 2007 (Dkt. ## 53, 54) until January 13 and 18, 2007.¹ Due to

¹ According to the docket, the clerk of the court promptly mailed Ms. Del Castillo paper copies of the two orders (Dkt. ## 53, 54). Ms. Del Castillo acknowledges that the orders were postmarked on January 5, 2007, however, she contends that there was some unexplained delay in her receipt of this mail.

1 this apparent delay, Ms. Del Castillo failed to comply with the court's January 18, 2007
2 deadline for the submission of 25 interrogatories to DSHS, as provided by the court's
3 January 4, 2007 order (Dkt. # 53). In light of Ms. Del Castillo's representation, the court
4 will permit her to submit the 25 interrogatories to DSHS no later than February 5, 2007.
5 This deadline is consistent with the court's January 4, 2007 minute order, establishing
6 that discovery shall be completed by February 26, 2007.
7

8 The court denies Ms. Del Castillo's remaining requests. Ms. Del Castillo requests
9 that the court alter the case management schedule as set forth in its minute order of
10 January 4, 2007. The court denies this request. Mindful of the fact that Ms. Del Castillo
11 is proceeding pro se, the court has granted Ms. Del Castillo ample leeway to bring her
12 pursuit of this case into compliance with the Federal Rules of Civil Procedure and this
13 court's local rules. Nearly one and a half years have passed since Ms. Del Castillo filed
14 suit on June 29, 2005. It is time that this case proceed to trial.
15

16 Ms. Del Castillo also requests that the court reconsider its decision to compel her
17 to appear for a deposition at DSHS's behest in Olympia, Washington. The court likewise
18 denies this request. Ms. Del Castillo contends that, in part due to her inability to access
19 her email account, she has not yet received communication from DSHS to schedule this
20 deposition. As evidenced by the notice of service of process that Ms. Del Castillo
21 attached to her motion, she is in possession of DSHS counsel's phone number. Ms. Del
22 Castillo shall promptly telephone DSHS counsel to schedule a mutually convenient date
23 for the taking of her deposition. The court reminds Ms. Del Castillo that should she
24 refuse to appear for a deposition, she will be acting in violation of the court's protective
25 order, exposing her to sanctions or other negative consequences.
26

27 Finally, the court cautions Ms. Del Castillo that in the future the court will not
28 tolerate delays due to apparent lapses in the delivery of mail. It is the court's expectation

1 that mail sent from Seattle, Washington to Fullerton, California is received within three to
2 four days of its postmark. It is Ms. Del Castillo's responsibility to ensure that she
3 promptly reviews incoming mail. The court will not make further allowances.

4 Filed and entered this 25th day of January, 2007.
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6 BRUCE RIFKIN, Clerk

7 s/Mary Duett
8 By Deputy Clerk
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